

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
WELL-COM ASSOCIATES, L.P.,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 05-10056-JLT
)	
HONEYWELL INTERNATIONAL INC.,)	
)	
Defendant.)	
_____)	

**RESPONSE TO EMERGENCY MOTION FOR ENLARGMENT OF
TIME TO RESPOND TO MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant, Honeywell International Inc., hereby respectfully responds to the motion of plaintiff, Well-Com Associates, Inc. ("Well-Com"), for an enlargement to February 13, 2006, of the time within which Well-Com must respond to Honeywell's motion for partial summary judgment.

1. At 3:45 p.m. on Friday, January 27, 2006, Well-Com's co-counsel and the undersigned spoke by telephone.
2. Well-Com's co-counsel asked the undersigned for Honeywell's assent to a 10-day enlargement (to Friday, February 10, 2006) of the time within which Well-Com must respond to Honeywell's motion for partial summary judgment.
3. A conference with the Court is already scheduled for 10:00 a.m. on February 13, 2006.

4. The undersigned indicated that: (1) Honeywell would agree to an enlargement; (2) Honeywell could not agree to 10 days because it would result in Well-Com's response being filed on the last business day before the February 13 conference, leaving Honeywell insufficient time before the conference to assess whether leave to reply should be sought and (if so) to prepare and file the reply; and (3) he would contact Well-Com's co-counsel with a specific proposal after conferring with lead counsel.
5. Well-Com's co-counsel responded that he would like "as much time as [Honeywell's counsel] could give [Well-Com's counsel]."
6. About an hour and a half later, the undersigned emailed Well-Com's counsel indicating that Honeywell would agree to an enlargement to February 6.
7. A few minutes later, the undersigned received an ECF system notice indicating that the motion to enlarge had been filed.
8. Honeywell was not unwilling to extend a courtesy to Well-Com.
9. Having had this opportunity to apprise the Court of its concerns with receiving Well-Com's response to Honeywell's motion for partial summary judgment motion on the eve of the upcoming conference, Honeywell does not oppose Well-Com's motion, and leaves it to the Court to determine what schedule is appropriate.

Dated: January 30, 2006

HONEYWELL INTERNATIONAL INC.,

By its attorneys,

/s/David B. Chaffin

Thomas K. Christo (BBO #083240)

David B. Chaffin (BBO #549245)

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 30, 2006.

/s/David B. Chaffin

David B. Chaffin

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